

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHIRLEY V. REMMERT,

No. C 07-00825 CRB

Petitioner,

**ORDER DISMISSING HABEAS  
PETITION**

v.

PROBATE COURT JUDGE ROSEMARY  
PFEIFFER,

Respondent.

Petitioner Shirley V. Remmert brings this habeas corpus petition to challenge the appointment of a conservator for her daughter Eva D. Al-Zaghari, as well as the issuance of an order preventing Ms. Remmert from visiting her daughter and her grandson.

Ms. Remmert's petition must be dismissed for failure to state a claim. To bring a petition for habeas corpus, a petitioner must be "in custody." 28 U.S.C. § 2254; see also Maleng v. Cook, 490 U.S. 488, 490-91(1989) (holding that a habeas petitioner must be in custody "under the conviction or sentence under attack at the time his petition is filed."). Ms. Remmert does not and cannot allege that she is in custody. Accordingly, this action is DISMISSED. Ms. Remmert is directed to not file any further habeas petitions unless and


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1 until she is in custody *and* has exhausted all of her state remedies.

2 **IT IS SO ORDERED.**

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4 Dated: March 23, 2007

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California